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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 LUIS URIEL SALMERON-JUAREZ,

12 Defendant.
13

Case No. 2:22-mj-641-DJA

**ORDER to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Third Request)**

14 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
15 United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the
16 United States of America, and Jacquelyn N. Witt Assistant Federal Public Defender, counsel for
17 Defendant Luis Uriel Salmeron-Juarez, that the Court schedule the preliminary hearing in this case
18 for no earlier than forty-five (45) days from the date of the filing of this stipulation. This request
19 requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within
20 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an
21 information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

22 This stipulation is entered into for the following reasons:
23
24

1 1. The United States Attorney’s Office has developed an early disposition program
2 for immigration cases, authorized by the Attorney General pursuant to the PROTECT ACT of
3 2003, Pub. L. 108-21.

4 2. The early disposition program for immigration cases is designed to: (1) reduce the
5 number of hearings required in order to dispose of a criminal case; (2) avoid having more cases
6 added to the court’s trial calendar, while still discharging the government’s duty to prosecute
7 federal crimes; (3) reduce the amount of time between complaint and sentencing; and (4) avoid
8 adding significant time to the grand jury calendar to seek indictments in immigration cases, which
9 in turn reduces court costs.

10 3. The government has made a plea offer in this case that requires defendant to waive
11 specific rights and hearings in exchange for “fast-track” downward departure under USSG
12 § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is indicted and
13 before a preliminary hearing is held.

14 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
15 preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance
16 if the defendant is in custody”

17 5. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a showing
18 of good cause—taking into account the public interest in the prompt disposition of criminal
19 cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times”

20 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny information
21 or indictment charging an individual with the commission of an offense shall be filed within thirty
22 days from the date on which such individual was arrested or served with a summons in connection
23 with such charges.”
24

1 7. The parties have executed a Guilty Plea Agreement, and this matter is set for
2 sentencing on April 13, 2023. However, Defense counsel has been made aware of a potential
3 conflict in this case. Defense Counsel requests additional time to investigate the conflict and
4 determine whether counsel can continue representation. The parties have agreed to continue the
5 scheduled sentencing date for 30 days.

6 8. Accordingly, the parties jointly request that the Court schedule the preliminary
7 hearing in this case no sooner than 45 days from today's date.

8 9. Defendant is in custody and agrees to the extension of the 14-day deadline imposed
9 by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), provided
10 that the information or indictment is filed on or before the date ordered pursuant to this stipulation.

11 10. The parties agree to the extension of that deadline.

12 11. This extension supports the public interest in the prompt disposition of criminal
13 cases by permitting defendant to consider entering into a plea agreement under the United States
14 Attorney's Office's fast-track program for § 1326 defendants.

15 12. Accordingly, the additional time requested by this stipulation is allowed under
16 Federal Rule of Criminal Procedure 5.1(d).

17 13. In addition, the parties stipulate and agree that the time between today and the
18 scheduled preliminary hearing is excludable in computing the time within which the defendant
19 must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
20 § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

14. This is the third request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 6th day of April 2023.

Respectfully submitted,

RENE L VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Jacquelyn N. Witt

/s/ Kimberly M. Frayn

Assistant Federal Public Defender
Counsel for Defendant Luis Uriel
Salmeron-Juarez

KIMBERLY M. FRAYN
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS URIEL SALMERON-JUAREZ,

Defendant.

Case No. 2:22-mj-00641-DJA-1

**Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on April 10, 2023, at the hour of 4:00 p.m. be vacated and continued to June 5, 2023, at 4:00 p.m., Courtroom 3A.

Dated this 5th day of April, 2023.



UNITED STATES MAGISTRATE JUDGE